TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~478.~~ 246

THE STEAMER "B. L. HODGE No. 2," JOSEPH A. AIKEN, JOHN H. MENGE, AND JOHN BOARDMAN, PLAINTIFFS IN ERROR,

vs.

THE CRESCENT CITY LIVE STOCK LANDING AND SLAUGHTER HOUSE COMPANY.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

FILED AUGUST 30, 1870.

12.

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1 STATE OF LOUISIANA:

Fifth district court for the parish of Orleans.

Petition.—Filed June 26th, 1869.

C. C. L. S. L. AND S. H. CO.
vs.
ST'R B. L. HODGE NO. 2 AND OWNERS. } No. 720.

To the Honorable Charles Leaumont, the judge of the fifth district court for the parish of Orleans:

The petition of The Crescent City Live Stock Landing and Slaughter House Company, a body corporate under the laws of Louisiana, respectfully shews—

That said corporation is authorized by law to establish and erect wharves, stables, buildings, etc., necessary to land, stable, shelter, protect, and preserve all kinds of horses, mules, cattle, and other animals from and after the time such buildings, etc., are ready and complete for business, and public notice thereof given; and that the sole and exclusive privilege of conducting and carrying on the live-stock landing and slaughter-house business of cattle and other animals destined for sale and slaughter in New Orleans and its environs is conferred exclusively upon petitioners, as is fully set forth in the act of incorporation aforesaid; that your petitioners have erected the buildings, etc., and given the notice required by law, and are now ready to, and have proceeded to the discharge of the duties devolving on them, since the first day of June, 1869.

That by section one of the act of the legislature approved March 8th, 1869, No. 118 of session acts, it is provided that "any person or persons, or corporation or company, carrying on any business or doing any act in contravention of this act, or landing, slaughtering, or keeping any animal or animals in violation of this act, shall be liable to a fine of two hundred and fifty dollars for each and every violation, the same to be recoverable, with costs of suit, before any court of competent jurisdiction."

That by section eight of the said act of the legislature it is provided "that all the fines and penalties incurred for violation of this act
2 shall be recoverable in a civil suit before any court of competent jurisdiction, said suit to be brought and prosecuted by said company or corporation (The Crescent City Live Stock Landing and Slaugter House Company) in all cases where privileges granted to the said company or corporation by the provisions of this act are violated or interfered with; that one half of the fines and penalties recovered by said company or corporation in consideration of their prosecuting the violation of this act, and the other half shall be paid over to the auditor of public accounts, to the credit of the educational fund."

That by section four of the said act of the legislature, it is provided "that after the first day of June, A. D. 1869," said company (The Crescent City Live Stock Landing and Slaughter House Company) shall have "the exclusive privileges of having landed at their wharves or landing-places all animals intended for sale or slaughter in the parishes of Orleans and Jefferson;" and, by section first of said act, all persons are prohibited from landing, keeping, or slaughtering any cattle, beeves, calves, sheep, swine, and other animals "at any point within the city of

New Orleans, or parishes of Orleans, Jefferson, and St. Bernard," except at the establishment of petitioner.

Petitioner further shows that the steamboat B. L. Hodge No. 2, and her owners, Joseph A. Aiken, Jno. H. Menge, and John Boardman, who all reside in the city of New Orleans, are justly and truly indebted in solido to your petitioner, for itself and for account of the State of Louisiana, in the full sum of two hundred and fifty dollars, with interest and costs, now due and owing, for this, to wit, that said steamboat B. L. Hodge No. 2 and her said owners, in contravention of the provisions of the said act of the legislature, and in violation of the privileges of petitioner, did, on the 25th day of June, 1869, land certain animals intended for sale or slaughter within the above-named prescribed limits, to wit, 226 head of cattle, (beef cattle,) more or less, at a place other than the establishment of your petitioner, and within the parishes of Orleans, Jefferson, and St. Bernards, to wit, at city of Jefferson, in the parish of Jefferson, and that said steamboat B. L. Hodge No. 2 and her said owners have become indebted to petitioner as aforesaid, and that said sum is now due and owing.

3 Wherefore petitioner prays that said steamboat B. L. Hodge No. 2, and her said owners, Jos. A. Aiken, Jno. H. Menge, and John Boardman, be cited to appear and answer this petition; and that, after due proceedings had, *that* they be condemned in solido to pay to petitioner for itself and for the State of Louisiana said sum of two hundred and fifty dollars, with interest and costs. And petitioner prays for all and general relief.

(Signed) RANDELL HUNT,
C. ROSELIUS,
Of Counsel.

(S'g'd) WILLIAM H. HUNT and
JOSEPH P. HORNOR,
Attorneys.

Citation on the owners of the steamer B. L. Hodge No. 2.

C. C. L. S. L. AND S. H. CO.
vs.
ST'R B. L. HODGE NO. 2 AND OWNERS. } No. 720.

STATE OF LOUISIANA,
Fifth District Court for the Parish of Orleans:

To the owners of the st'r B. L. Hodge No. 2, New Orleans:

You are hereby summoned to comply with the demand contained in the petition, of which a copy accompanies this citation, or deliver your answer to the same in the office of the clerk of the fifth district court for the parish of Orleans, in ten days after the service hereof.

Witness the Honorable Charles Leaumont, judge of the said court, the 26th day of June, in the year of our Lord 1869.

(S'g'd) F. A. LUMINAIS,
Dy Clerk.

Sheriff's return to above.

Received June 26, '69, and on the 25th day of the same month and year served a true copy of the within citation and accompanying petition on the owners of the steamboat B. L. Hodge No. 2 by personal ser-

vice on Jos. A. Aiken, one of the owners of the steamboat B. L. Hodge.

Ret. same day.

(S'g'd) JA'S BOUDET,
D'y Sh'ff.

Citation on Jos. A. Aiken.

4 C. C. L. S. L. & S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

STATE OF LOUISIANA,
Fifth District Court for the Parish of Orleans, in the City of New Orleans:

Mr. JOS. A. AIKEN, *of N. O.:*

You are hereby summoned to comply with the demand contained in the petition of which a copy accompanies this citation, or deliver your answer to the same in the office of the clerk of the fifth district court for the parish of Orleans.

Witness the Honorable Charles Leaumont, judge of the said court, the 26th day of June, in the year of our Lord 1869.

(Signed) F. A. LUMINAIS,
D'y Clerk.

Sheriff's return to above.

Received June 26th, '69, and on the 26th day of the same month and year served a true copy of the within citation and accompanying petition personally on Jos. A. Aiken, one of the defendants herein.

Returned same day.

(S'g'd) JA'S BOUDET,
D'y Sh'ff.

Citation on John H. Menge.

C. C. L. S. L. & S. H. Co.
vs.
STEAMER B. L. HODGE NO. 3 AND OWNERS. } No. 720.

STATE OF LOUISIANA,
Fifth District Court for the Parish of Orleans, in the City of New Orleans:

Mr. JOHN H. MENGE, *of N. O.:*

You are hereby summoned to comply with the demand contained in the petition of which a copy accompanies this citation, or deliver your answer to the same in the office of the clerk of the fifth district court for the parish of Orleans in ten days after the service hereof.

Witness the Honorable Charles Leaumont, judge of the said
5 court, the 26th day of June, in the year of our Lord 1869.

(S'g'd) F. A. LUMINAIS,
D'y Clerk.

Sheriff's return to above.

Received June 26th, '69, and on the 27th day of July, same year,

served copy of the within citation and accompanying petition personally on John H. Menge.

Ret. same day.

(S'g'd) F. PFISTER,
D'y Sh'ff.

Citation on John Boardman, captain steamer B. L. Hodge No. 2.

C. C. L. S. L. & S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

STATE OF LOUISIANA,
Fifth District Court for the Parish of Orleans, in the City of New Orleans:

Mr. JOHN BOARDMAN, *of N. O.:*

You are hereby summoned to comply with the demand contained in the petition of which a copy accompanies this citation, or deliver your answer to the same in the office of the clerk of the fifth district court for the parish of Orleans in ten days after the service hereof.

Witness the Honorable Cha's Leaumont, judge of the said court, this 26th day of June, in the year of our Lord 1869.

(S'g'd) F. A. LUMINAIS,
D'y Sheriff.

Sheriff's return to above.

Received June 26th, '69, and, after due search and enquiry, I learned that John Boardman is not in this , and out of the State. He will not be back here for some time.

Returned July 27th, 1869.

(S'g'd) F. PFISTER,
D'y Sh'ff.

Exception and answer of defendants.—Filed July 14th, 1869.

C. C. L. S. L. & S. H. Co.
vs.
ST'R B. L. HODGE NO. 2 AND OWNERS. } No. 720.

5th district court.

6 Now come the defendants, and, for exception to the petition of the plaintiffs, say that the plaintiffs are not a corporation, as is therein pretended, nor are they capable of standing in judgment in this court:

1°. Because they say that the act of the general assembly, No. 118, approved March 8th, 1869, of the session acts of 1869, is a plain, direct, and palpable violation of the Constitution of the United States, because the *the* same abridges the right and privileges of these defendants, who are citizens of the United States, and endeavors to create a corporation composed of a few persons, with sole and exclusive privileges, contrary to the common right, the laws of the United States, and the Constitution of the same.

2°. Because the said supposed act violates the constitution of the State of Louisiana, because it endows a few persons with special, exclusive, and important privileges and rights which are common to the people of

the State, and destroys that equality which the constitution secures to all the citizens of the State, and impairs right of liberty and property of these defendants as citizens.

3°. Because the said corporation did not, on or before the first day of June, 1869, build and complete a grand slaughter-house of sufficient capacity to accommodate all butchers, and in which to slaughter five hundred animals a day, and did not erect a sufficient number of sheds and stables to accommodate all the stock received at this port, but in the fulfillment of the conditions of the said act were in default on the day aforesaid.

And, these defendants, for each of the causes before mentioned, except to the said petition, and pray that this suit be dismissed, with costs.

And for answer to the said petition, in case the above exceptions are not sustained, and only in that event, the defendants deny all and singular the allegations therein contained.

And, further answering, they aver that the steamboat B. L. Hodge No. 2 is a duly and regularly licensed vessel of the United States, and was employed in the lawful internal commerce of the same, and to convey freight and passengers to and from the ports and landing places of the various places in the United States, and on the navigable
7 waters of the same; and that, at the date of the grievances mentioned in the petition, the said vessel was engaged in regular commerce, and landed her freight in the port of New Orleans, and the landing of the city of Jefferson, as she was entitled to do under the laws of the United States and the regulations of the Treasury Department thereof.

These respondents further aver that said plaintiffs have not, and could not have had, any authority from any source to control, direct, or compel the landing of freight at the wharves of said company, nor impose any charge upon them.

Wherefore they pray that this suit be dismissed at costs of plaintiff, and for general relief.

(S'g'd) CAMPBELL, SPOFFORD & CAMPBELL,
(S'g'd) COTTON & LEVY,
" FELLOWES & MILLS, *Att'ys.*

Order, exception continued.—Nov. 20, '69, *extract from minutes.*

C. C. L. S. L. AND S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

The exception in this case is continued indefinitely.

Admission of facts.—Filed Dec. 9th, 1869.

C. C. L. S. L. AND S. H. Co.
vs.
THE STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

5th district court.

It is admitted that defendants landed 226 head of cattle at the stock-landing, city of Jefferson, at the time set forth in the petition; that the steamer B. L. Hodge No. 2 is a vessel licensed under the laws of the

U. S., and engaged in carrying freight and passengers for hire, as set forth in the defendants' answer.

(S'g'd) FELLOWES AND MILLS,
Of Counsel for Defendants.

8 (S'g'd) JOSEPH P. HORNOR, *for Pl'ff.*

Note of evidence.—Filed Dec. 9th, 1869.

C. C. L. S. L. & S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

Pl'ff offers in evidence the admissions on file, and defendants offer the oral testimony in the case 809, and pl'ff offers the rebutting evidence taken in the same case.

Order, case submitted.—Dec. 9th, 1869, extract from minutes.

C. C. L. S. L. & S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

This cause came on this day for trial—W. H. Hunt and J. P. Hornor for pl'ff; J. Q. A. Fellowes, J. A. Campbell, and J. B. Cotton for def't—when, after hearing evidence, said cause being submitted, the court took the same under advisement.

Judgment.—December 10th, 1869.

C. C. L. S. L. AND S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

In this case, the court being of opinion that the law and evidence are in favor of plaintiff—

It is ordered, adjudged, and decreed that there be judgment in favor of plaintiff, The Crescent City Live Stock Landing and Slaughter House Company, and against defendants, The Steamboat B. L. Hodge No. 2, and her owners, Jos. A. Aiken, Jno. H. Menge, and John Boardman, in solido, for the sum of two hundred and fifty dollars, with
9 interest from judicial demand, to wit, June 26th, 1869, until paid, and costs of suit.

Judgment rendered December 10th, 1869.
S'g'd December 14th, 1869.
(S'g'd) CHA'S LEAUMONT, *Judge.*

Bill of exceptions for defendants.—Filed December 14th, 1869.

C. C. L. S. L. & S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

Be it remembered that, on the trial of this case, the counsel for defendants offered many and various witnesses to prove, as is fully set forth in the bill of exceptions taken by them in the case entitled "The State of La., ex rel. Attorney General, vs. W'm Fagan et al.," No. 809 of the docket of the 5th district court; to the introduction of which testimony and the examinations of which witnesses the counsel for the plaintiffs objected on the grounds as stated in said bill of exceptions;

which objections the court sustained, and ruled out the testimony, and refused to permit the witnesses to be sworn or examined; and to which ruling the counsel for the defendants excepted, and tender this their bill of exceptions for signature.—(S'g'd) J. P. H.

(S'g'd) CHA'S LEAUMONT, *Judge.*

Motion for appeal.—Filed December 14th, '69.

C. C. L. S. L. AND S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

Fifth district court.

On motion of Fellowes and Mills, Campbell, Spofford and Campbell, and Cotton and Levy, of counsel for defendants, and upon suggesting to the court that there is error in the judgment rendered
10 in this case on the 9th of December inst. to their prejudice—

It is ordered that a suspensive appeal to the supreme court, returnable on the 1st Monday of January, 1870, be allowed said defendants on their giving bond and security in the sum of two hundred dollars, conditioned as the law directs.

Bond.—Filed Dec. 14th, 1869.

Know all men by these presents that we, the capt. and owners of the B. L. Hodge No. 2 and R. H. Noble are held and firmly bound unto he clerk of the fifth district court, executors, administrators, and assigns, in the sum of two hundred dollars; for the payment whereof we bind ourselves, our heirs, executors, and administrators firmly by these presents, sealed with our seals, and dated in the city of New Orleans on this 14th day of December, in the year of our Lord one thousand eight hundred and sixty-nine.

Whereas the above-bounden capt. and owners of the steamer B. L. Hodge No. 2 this day filed a petition of appeal from a final judgment rendered against them in the suit of Crescent City Live Stock Landing and Slaughter House Company vs. them, No. 720 in the fifth district court for the parish of Orleans, on the 9th day of December, 1869:

Now, the condition of the above obligation is such, that the above-bound appellants shall prosecute their appeal, and shall satisfy whatever judgment may be rendered against them, or that the same shall be satisfied by the proceeds of the sale of their estate, real or personal, if they be cast in the appeal; otherwise that the said R. H. Noble, surety, shall be liable in their place.

(S'g'd) FELLOWES & MILLS, [L. S.]
Att'ys for Appellants.

(S'g'd) R. H. NOBLE. [L. S.]

Bill of exceptions for plaintiff.—Filed Dec. 17th, 1869.

11 C. C. L. S. L. AND S. H. Co.
vs.
STEAMER B. L. HODGE NO. 2 AND OWNERS. } No. 720.

Fifth district court, parish of Orleans.

Be it remembered that on the trial of this case, in open court, on

Thursday, the 9th day of December, 1869, the counsel for def'ts offered the evidence of Peter Gardner and others to prove that pl'ffs had not complied with the provisions of their act of incorporation, sec. 3d; to which the counsel of pl'ffs objected on the grounds following:

First. That such matters could not be set up against pl'ffs except by the State; that parties def't herein had no right to call such facts in question.

Second. That it had been admitted by the State in the pleadings in the case of The State of La., ex rel. S. Belden, Att'y Gen'l, vs. W'm Fagan et als., No. 809 of the docket of the fifth district court for the parish of Orleans, that pl'ffs had complied with the conditions of their charter, and that such admission is conclusive upon def'ts.

That the court overruled these objections, and ordered the evidence to be received; when the counsel for pl'ffs excepted to the said ruling of the court, and tendered this bill of exceptions, praying the court to sign the same, and make it a part of the record in this case.

(S'g'd) CHA'S LEAUMONT, *Judge.*

Clerk's certificate.

STATE OF LOUISIANA,
Fifth District Court for the Parish of Orleans:

I, Philip Power, jr., deputy clerk of the fifth district court for the parish of Orleans, and as such duly sworn, do hereby certify that the above and foregoing (33) thirty-three pages contain a true and complete transcript of all the proceedings had, documents filed, evidence and testimony adduced, in the case wherein "The Crescent City
12 Live Stock Landing and Slaughter House Company" is plaintiff, and The Steamboat B. L. Hodge No. 2 and owners are the de-defendants, the same being numbered No. 720 of the docket of the fifth district court for the parish of Orleans.

In testimony whereof I have hereunto set my hand and affixed the impress of the seal of our said court, at the city of New Orleans, this twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-nine, and the ninety-fourth year of the independence of the United States of America.

[SEAL.] (Signed) PHILIP POWER, JR.,
Dy Clerk acting in the absence of Louis Power on account of sickness.

13 Supreme court of the State of Louisiana.

Agreement of Counsel.—Filed January 3d, 1870.

Supreme court.

IMBAU AYCOCK & Co. *vs.* C. C. L. S. L. & S. H. Co. } No. 2504.

BUTCHERS' BENEVOLENT ASS'N *vs.* SAME. } " 2505.

L. S. D. & BUT. ASS'N *vs.* SAME ET AL. } " 2506.

C. C. L. S. L. & S. H. Co.
vs.
ST'B'T B. L. HODGE NO. 2, & OWNERS. } No. 2507.

STATE, EX REL. S. BELDEN ATT'Y GEN'L,
vs.
W'M FAGAN ET ALS. } " 2508.

C. C. L. S. L. & S. H. Co.
vs.
BUTCHERS' BENEV. ASS'N. } " 2509.

It is agreed that the above six entitled and numbered suits are to be submitted to the court for adjudication upon the briefs filed and arguments made in the case of The State, ex rel. Simeon Belden, Att'y General, vs. W'm Fagan et als., No. 2508 of the docket of this court, and at the same time of the submission of said case.

N. O., 3 January, 1870.

(Signed) JOSEPH P. HORNOR,
Of Counsel for C. C. L. S. L. & S. H. Co.

(Signed) FELLOWS & MILLS,
Att'ys for Imbau, Aycock & Co. & others in above suit.

Case submitted.—Extract from the minutes.

FRIDAY, *January 28th*, 1870.—The court was duly opened. Present, their honors John T. Ludeling, chief justice; and James G. Taliaferro, Rufus K. Howell, W. G. Wyly, William W. Howe, associate justices.

14 CRESCENT CITY LIVE STOCK LANDING and Slaughter House Co.
vs.
STEAMBOAT B. L. HODGE NO. 2 AND OWNERS. } No. 2507.

On written consent thereto of counsel for both parties exhibited to the court, this case was taken under advisement by the court upon the briefs now on file for both parties.

Opinion & decree.—Filed April 11th, 1870.

Appeal from the fifth district court of Orleans.

CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co.
vs.
STEAMBOAT B. L. HODGE NO. 2 AND OWNERS. } No. 2507.

LUDELING, C. J. delivered the opinion of the court in the words and figures following, to wit:

For the reasons given in the case of The State of Louisiana, ex rel. S. Belden, Attorney General, vs. W'm Fagan et als., it is ordered, adjudged, & decreed that the judgment of the district court be affirmed, with costs of appeal.

Decree.—Extract from the minutes.

MONDAY, *April* 11, 1870.—The court was duly opened pursuant to adjournment. Present, their honors John T. Ludeling, chief justice; and James G. Taliaferro, W. G. Wyly, William W. Howe, associate justices; absent, Rufus K. Howell, associate justice.

15 His honor the cief justice pronounced the judgment & decree of the court in the following case:

CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co. *vs.* STEAMBOAT B. L. HODGE NO. 2 AND OWNERS. } 2507.

On appeal from the 5th district court for the parish of Orleans.

It is ordered, adjudged, and decreed that the judgment of the district court be affirmed, with costs of appeal.

Petition for rehearing.—Filed April 26th, 1870.

Supreme court.

CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co. *vs.* THE STEAMBOAT B. L. HODGE NO. 2 AND owners. } No. 2507.

The defendants and appellant herein, with respect, show that they are informed that there is error in the decision rendered herein by the supreme court:

Wherefore they pray that a rehearing be granted them in this case on the grounds & for the reasons filed in suit No. 2508, entitled "State of La., ex rel. S. Belden, Att'y Gen'l, vs. W'm Fagan et als.," & for a rehearing of the case and reversal of the judgment of the district court, & for general relief.

(Signed) FELLOWS & MILLS,
(Signed) CAMPBELL, SPOFFORD & CAMPBELL,
(Signed) COTTON & LEVY, *of Counsel.*

Rehearing refused.—Extract from the minutes.

16 MONDAY, *May 9th*, 1870.—The court was duly opened. Present, their honors John T. Ludeling, chief justice; and James G. Taliaferro, Rufus K. Howell, William W. Howe, associate justices; absent, W. G. Wyly, associate justice.

His honor the chief justice pronounced the judgment & decree of the court in the following case:

CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co. *vs.* STEAMBOAT B. L. HODGE NO. 2 AND OWNERS. } No. 2507.

It is ordered that the rehearing applied for in this case be refused.

Petition for writ of error.

THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Co.
vs.
THE ST'R B. L. HODGE NO. 2 & OWNERS.
} No. 2507, S. C.

17 THE UNITED STATES OF AMERICA,
State of Louisiana, Parish of Orleans:

To the Honorable Joseph P. Bradley, associate justice of the Supreme Court of the United States:

The petition of The Steamer B. Hodge No. 2, & her owners, Joseph A. Aiken, John H. Menge, & John Boardman, defendants, in a cause wherein The Crescent City Live Stock Landing & Slaughter House Co. is plaintiff, respectfully represents—

That petitioners are aggrieved by a final judgment in the supreme court of the State of Louisiana, bearing date the 9th day of May instant, and that they exhibit to your honor a copy of the record of the cause, with the opinions & decree of the said court annexed to this petition as Exhibit A.

That it appears on the face of the said record that your petitioners claimed the right, privilege, & title under the laws & Constitution of the United States, & especially under the fourteenth amendment thereof, to engage in the carrying trade and the business of steamboating within & between the various ports of the United States, of landing stock & other produce at any landings allowed to any persons under the laws of the State or United States.

But that against common right, & the right of defendants, your petitioners, the legislature of Louisiana did grant to seventeen persons, incorporated as The Crescent City Live Stock Landing & Slaughter House Company, the sole & exclusive privilege of conducting the live-stock landing & slaughter-house business within the limits & privileges of the said act, & did make it unlawful for any person or persons to land, keep, or slaughter any cattle, horses, sheep, swine, or other animals, or to have any stock-landing at any point or place within the parishes of Orleans, Jefferson, or St. Bernard, or within the corporate limits of the city of New Orleans, other than those of the said corporation, & did require that all animals designed for sale & slaughter in said parishes should

18 be landed at the wharves of said corporation, & fixed a tariff of burdensome charges therefore, contrary to common rights & the Constitution of the United States.

And your petitioners aver that in said cause was set up the said constitutional & legal right, title, & privilege, but that said court overruled & determined adversely to the same, thereby establishing & maintaining an odious, oppressive, & mischievous monopoly against common right, & the law & the Constitution of the United States.

Wherefore petitioners respectfully pray of your honor to allow a writ of error to the Supreme Court of the United States, to sign a citation to the plaintiff in said cause, & to approve the bond herewith submitted, & for such further order as may to right & justice in the premises appertain.

(Signed) FELLOWS & MILLS.
" COTTON & LEVY.

Writ of error allowed May 13, 1870.
(Signed) JOS. P. BRADLEY,
Asso. Justice Sup. Court U. S.

Filed May 16th, 1870.
(Signed) M. P. JULIAN,
Dep'y Clerk Sup. Court State of La.

Bond for writ of error.

Supreme court of Louisiana.

THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Co.
vs.
THE ST'R B. L. HODGE No. 2, CAPT., & OWNERS. } No. 2507.

Know all men by these presents that we, The Ste'r B. L. Hodge No. 2, & Joseph A. Aikin, John H. Menge, & John Boardman, owners, as principals, and William Maylie, as surety, are held and firmly bound unto The Crescent City Live Stock Landing & Slaughter House Co. in the full and just sum of three thousand dollars, to be paid to the said Crescent City Live Stock Landing & Slaughter House Co., its certain
19 attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents, sealed with our seals, and dated this thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

Whereas lately, at a session of the supreme court of the State of Louisiana, held the 9th of May, 1870, in a suit depending in said supreme court wherein The Crescent City Live Stock Landing & Slaughter House Co. was plaintiff, and The St'r B. L. Hodge No. 2 and owners were defendants; judgment was rendered against the said St'r B. L. Hodge No. 2 & owners defendants; and the said St'r B. L. Hodge No. 2 & owners having obtained a writ of error, and filed a copy thereof in the clerk's office of the said supreme court to reverse the judgment in the aforesaid suit, and a citation directed to the said Crescent City Live Stock Landing & Slaughter House Co., citing and admonishing it to be and appear at a Supreme Court of the United States, to be holden at Washington the first Monday of December next:

Now, the condition of the above obligation is such, that if the said St'r B. L. Hodge No. 2, & owners, Joseph A. Aikin, John H. Menge, & John Boardman shall prosecute their writ to effect, and answer all damages and costs if they fail to make their plea good, then the above obligation to be void; else to remain in full force and virtue.

(Signed) J. H. MENGE. [L. S.]
(Signed) JOS. A. AIKEN. [L. S.]
(Signed) W'M MAYLIE. [L. S.]

Sealed and delivered in the presence of—
(Signed) J. Q. A. FELLOWS.

Approved May 13th, 1870.
(Signed) JOS. P. BRADLY,
Asso. Just. Sup. Ct. U. S.

20 Filed May 16th, 1870.
(Signed) M. P. JULIAN,
Dep'y Clerk Sup. Court State of La.

Writ of error.

Supreme court of Louisiana.

THE CRESCENT CITY LIVE STOCK LANDING & Slaughter House Co.
vs.
THE STEAMER B. L. HODGE No. 2 & OWNERS. } No. 2507.

UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judges of the supreme court of the State of Louisiana, greeting:

Because, in the record and proceedings, as also in the redition of the judgment of a plea which is in the said supreme court, before you, between The Crescent City Live Stock Landing & Slaughter House Company, plaintiff, and The Steamer B. L. Hodge No. 2, & Joseph A. Aikin, John H. Menge, & John Boardman, her owners, defendants, a manifest error hath happened, to the great damage of the said Steamer B. L. Hodge No. 2, & Joseph A. Aiken, John H. Menge, & John Boardman, her owners, as by their complaint appears; we, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and
21 customs of the United States should be done.

Witness the Honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] (Signed) D. URBAN,
Clerk of the United States Circuit Court for the District of Louisiana.

Allowed May 13, 1870.
(Signed) JOS. P. BRADLEY,
Asso. Just. Sup. Ct. U. S.

Filed May 16th, 1870.
(Signed) M. P. JULIAN,
Dep'y Clerk S. C. State of La.

21*a* THE UNITED STATES OF AMERICA,
State of Louisiana:

The President of the United States to The Crescent City Live Stock Landing & Slaughter House Company, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the supreme court of the State of Louisiana, wherein The Steamer B. L. Hodge No. 2, and Joseph A. Aikin, John H. Menge,

& John Boardman, her owners, are plaintiffs in error, and you are defendants, to show cause, if any there be, why the judgment rendered against the said plaintiffs, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

JOS. P. BRADLEY,
Asso. Just. Sup. Ct. U. S.

(Indorsed:) Supreme court of Louisiana. No. 2707. The Crescent City Live Stock Landing & Slaughter House Co. vs. The St'r B. L. Hodge No. 2 & owners. Citation.

Marshal's return.

Received May 18, 1870, by the U. S. marshal, and on the same day, month, and year served a copy of the within citation on the within-named Crescent City Live Stock Landing & Slaughter House Co., through F. J. Pratt, president thereof, by delivering the same to him, said Pratt, in person, at his office, corner of Common & Carondelet streets, in this city.

New Orleans, May 18th, 1870.

S. W. REED,
D'y U. S. Marshal.

Filed June 1st, 1870.

M. P. JULIAN,
Dep'y Clerk.

Citation.

Supreme court of Louisiana.

THE CRESCENT CITY LIVE STOCK LANDING & Slaughter House Co.
vs.
THE ST'R B. L. HODGE NO. 2 & OWNERS. } No. 2507.

THE UNITED STATES OF AMERICA,
State of Louisiana:

The President of the United States to The Crescent City Live Stock Landing & Slaughter House Company, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the supreme court of the State of Louisiana, wherein The Steamer B. L. Hodge No. 2 & Joseph A. Aikin, John H. Menge, & John Boardman, her owners, are plaintiffs in error, and you are
22 defendants, to show cause, if any there be, why the judgment rendered against the said plaintiffs, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Salmon P. Chase, Chief Justice of the Su-

preme Court of the United States, this thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

(Signed) JOS. P. BRADLEY,
Asso. Just. Sup. Ct. U. S.

Marshal's return.—Filed June 1st, 1870.

Received May 18, 1870, by the U. S. Marshal, and on the same day, month, and year served a copy of the within citation on the within-named Crescent City Live Stock Landing & Slaughter-House Co., through F. J. Pratt, president thereof, by delivering the same to him, said F. J. Pratt, in person, at his office, corner of Common & Carondelet streets, in this city.

New Orleans, May 18th, 1870.

(Signed) S. W. REED,
D'y U. S. Marshal.

Certificate of the clerk.

UNITED STATES OF AMERICA,
Supreme Court, E. D., State of Louisiana:

I, Martin Pierre Julian, deputy clerk of the supreme court of the State of Louisiana for the eastern district, do hereby certify that the foregoing twenty-two (22) pages contain a true copy of the transcript of the proceedings had in the fifth district court for the parish of Orleans, in a certain suit wherein The Crescent City Live Stock Landing and Slaughter House Company was plaintiff, and The Steamboat B. L. Hodge No. 2 and owners were defendants, and also of the proceedings had in
23 this supreme court, on the appeal taken by said B. L. Hodge No. 2 and owners, which appeal is now on the files thereof under No. 2507.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this twenty-first day of July, and in the ninety-fifth year of the independence of the United States of America.

[SEAL.] M. P. JULIAN,
Deputy Clerk.

24 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judges of the supreme court of the State of Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court before you, between The Crescent City Live Stock Landing & Slaughter House Company, plaintiff, and The Steamer B. L. Hodge No. 2, & Joseph A. Aikin, John H. Menge, & John Boardman, her owners, defendants, a manifest error hath happened, to the great damage of the said Steamer B. L. Hodge No. 2, & Joseph A. Aikin, John H. Menge, & John Boardman, her owners, as by their complaint appears; we, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on

the first Monday of December next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] D. URBAN,
Clerk of the United States Circuit Court for the District of Louisiana.

(Indorsed:) Supreme court of Louisiana. No. 2507. The Crescent City Live Stock Landing & Slaughter House Co. versus The Steamer B. L. Hodge No. 2 and owners. Writ of error.

Allowed May 13, 1870.

JOS. P. BRADLEY,
Asso. Just. Sup. Ct. U. S.

Filed May 16th, 1870.

M. P. JULIAN,
Dep'y Clerk S. C. State of La.

(Indorsement on cover:) No. 478. The Steamer B. L. Hodge No. 2, Joseph A. Aiken, John H. Menge, & John Boardman, plaintiffs in error, vs. The Crescent City Live Stock Landing and Slaughter House Company. Louisiana sup. court.
Filed 30th August, 1870.